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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1415TH MEETING

Held at Headquarters, New York,
on Wednesday, 7 July 1993, at 3 p.m.

Chairman: Mr. LOHIA (Papua New Guinea)

- Tribute to the memory of Ambassador Hamadi Khouini, Permanent Representative of Tunisia to the United Nations
- Statement by the Chairman
- Participation of non-members in the work of the Special Committee
- Requests for hearing

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- Reports of the Subcommittee on Small Territories, Petitions, Information and Assistance

  - Question of Pitcairn

  - Question of St. Helena

  - Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Tokelau, the Turks and Caicos Islands, the United States Virgin Islands

- Question of Guam

- Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations

- Organization of work

The meeting was called to order at 3.30 p.m.

TRIBUTE TO THE MEMORY OF AMBASSADOR HAMADI KHOUINI, PERMANENT REPRESENTATIVE OF TUNISIA TO THE UNITED NATIONS

The CHAIRMAN: As members will recall, on 15 June 1993 we learned with sadness of the untimely passing of Ambassador Hamadi Khouini, the Permanent Representative of Tunisia to the United Nations.

On behalf of the members of the Special Committee and on my own behalf, I wish to request the representative of Tunisia to convey our heartfelt condolences to the Government of Tunisia and to the bereaved family.

I should like to invite members of the Special Committee to stand and observe a minute of silence in tribute to the memory of Ambassador Khouini.

The members of the Special Committee observed a minute of silence.

Mr. MESSAOUD (Tunisia)(interpretation from French): On behalf of my delegation, I express sincere thanks for the condolences that you, Mr. Chairman, and the members of the Special Committee have kindly extended to us in connection with the passing of Hamadi Khouini on 15 June last. I can assure you that these condolences, which touch us deeply, will be transmitted to my Government, to the family of the deceased and to the members of the Tunisian delegation.

We pray that God will grant His mercy to His Excellency Mr. Khouini, so that he may rest in peace.

The CHAIRMAN: I thank the representative of Tunisia for those words. At times like these, people and communities think of those who have passed. May their spirit help us to survive, in the interest and to the benefit of our people.

STATEMENT BY THE CHAIRMAN

The CHAIRMAN: I have the honour of welcoming members to this resumed session of the Special Committee.

Since our last plenary meeting, the members of the Committee have been quite busy. Our Subcommittee, chaired by His Excellency Mr. Amor Ardhaoui, Deputy Permanent Representative of Tunisia, met regularly and completed its work on time. The work that has been accomplished by the Subcommittee is now before the Committee for its consideration. The members of the Subcommittee worked hard and held long hours of consultations in order to present their conclusions and recommendations to us. I understand that the Rapporteur of the Subcommittee will introduce them during the course of tomorrow's meeting.

The Committee also met, when required, to discuss the organization of its work. Moreover, it established an open-ended Working Group to consider how to improve further the efficiency of the Committee's work. In addition, an informal open-ended drafting group was established to prepare the report of the Working Group. Under the chairmanship of Mr. Bangali of Sierra Leone, the informal open-ended drafting group met several times to prepare and finalize its report, which was adopted by the Committee on the recommendation of the open-ended Working Group. In this regard, I wish to thank Mr. Bangali of Sierra Leone, who chaired those meetings and finalized the report that was adopted by the Committee. The report is contained in document A/AC.109/L.1795.

A month ago, the second of the regional seminars provided for under the Plan of Action for the International Decade for the Eradication of Colonialism was held in Port Moresby, Papua New Guinea, in the Pacific region. More than one-third of the members of the Committee attended that seminar, which provided a venue for an exchange of valuable insights into the question of

(The Chairman)

decolonization in the Pacific region. The report of that seminar will be issued on 12 July, and at that time the Rapporteur will introduce it in the Committee.

Those are some of the activities that the Committee has undertaken in response to repeated suggestions that it should review its approach and method of work in order to improve its efficiency and thereby better serve the interests of the peoples of the remaining Non-Self-Governing Territories and assist them in the fulfilment of their aspirations. For the past two years, in order to keep abreast of the rapid changes and geopolitical developments in the world, the Committee has continued with a series of reforms that should enable it to assist the remaining small island Territories effectively and meet the challenges ahead.

As members are aware, during the past two years the Committee held two regional seminars - one in the Caribbean and one in the Pacific. The main objectives of those seminars were to review the political, economic and social conditions in the remaining Territories and ascertain the views and aspirations of their peoples as to their future status. As members will recall, the Committee has consistently reaffirmed that the views of the peoples concerned should be paramount in charting a new course of action for the Committee.

It will be recalled that these activities have been carried out by the Committee in keeping with the provisions of the Plan of Action for the International Decade, which was approved by the General Assembly at its forty-sixth session in its resolution 46/181.

As regards the contents of some resolutions and decisions that have been the subject of criticism in the past, I understand that the members of the

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regional groups concerned have been consulting with a view to making the necessary adjustments in those texts for wider acceptance. As members are aware, the Working Group's recommendations, which the Committee adopted, provide sufficient flexibility to allow for adjustments in those texts. I hope that in finalizing these resolutions and decisions members will avail themselves of this flexibility and act accordingly.

(The Chairman)

In this connection, the regional organizations concerned, which have always been our full partners in the decolonization process - the Organization of African Unity (OAU), the South Pacific Forum and the Caribbean Community (CARICOM) - are also being consulted on those issues. So are the administering Powers, whose cooperation should be strengthened or restored.

In addition, the Special Committee and its members should creatively look for fresh, new, effective ways to maximize their efforts in fulfilling the noble task of eradicating colonialism from the face of the Earth by the year 2000. These creative ways should not only be effective and constructive, but should also look beyond self-determination, ensuring that all citizens of the Territories concerned are empowered to enjoy greater opportunities and wider participation in the economic, social and political lives of their respective societies.

As we are about to begin the resumed session, I felt that it might be useful to share these views with members at the outset.

PARTICIPATION OF NON-MEMBERS IN THE WORK OF THE SPECIAL COMMITTEE

The CHAIRMAN: I wish to inform members that the delegation of Bolivia has requested to participate in the proceedings of the Special Committee at this session. May I take it that the Committee accedes to the request?

It was so decided.

REQUESTS FOR HEARING

The CHAIRMAN: I wish to draw members' attention to a request for hearing, which has been circulated in aide-memoire 12/93, relating to the United States Virgin Islands.

(The Chairman)

If there are no objections, may I take it that the Committee agrees to accede to this request?

It was so decided.

REPORTS OF THE SUBCOMMITTEE ON SMALL TERRITORIES, PETITIONS, INFORMATION AND ASSISTANCE

QUESTION OF PITCAIRN (A/AC.109/L.1799)

QUESTION OF ST. HELENA (A/AC.109/L.1800)

QUESTIONS OF AMERICAN SAMOA, ANGUILLA, BERMUDA, THE BRITISH VIRGIN ISLANDS, THE CAYMAN ISLANDS, GUAM, MONTSERRAT, TOKELAU, THE TURKS AND CAICOS ISLANDS, THE UNITED STATES VIRGIN ISLANDS (A/AC.109/L.1796)

The CHAIRMAN: I understand that the draft consolidated resolution in document A/AC.109/L.1796 will be available tomorrow, when the Rapporteur of the Subcommittee will introduce all the related reports.

QUESTION OF GUAM

The CHAIRMAN: I wish to inform members that I have received an indication from Miss Lourdes Pangelinan, representative of the Governor of Guam, of her wish to make a statement at this stage. Subject to members' consent, and in accordance with standing procedure, I suggest that the Committee invite her to make a statement.

It was so decided.

At the invitation of the Chairman, Miss Lourdes Pangelinan took a place at the Committee table.

The CHAIRMAN: I now call on Miss Pangelinan.

Miss PANGELINAN: On behalf of Governor Joseph F. Ada, Governor of the Non-Self-Governing Territory of Guam, please allow me to extend our deepest appreciation for this opportunity to appear once again before this Committee to share information on the current situation of Guam.

(Miss Pangelinan)

My Government would like to express its sincere gratitude to you, Sir, to the Special Committee and to your Government for the excellent reception extended to my Government at the recent Pacific regional Seminar on decolonization, held in Port Moresby, Papua New Guinea. The opportunity to present our views on Guam's political status development and the reception which these views were given by the Committee are highly regarded by my Government.

We strongly believe that the work of this Committee continues to be an important part of the internationally sanctioned decolonization process, and we continue to look forward to other efforts of the United Nations that will bring greater focus to the conditions faced by peoples of the remaining Non-Self-Governing Territories. In this regard, we are indeed heartened by the language of the draft resolution on Guam, in document A/AC.109/L.1796, which was adopted by the Subcommittee on Small Territories, Petitions, Information and Assistance, last week.

We are heartened not only because important enhancements have been made in this year's draft resolution, but also because it is evidence that Guam's concerns have been heard, deliberated upon and acted upon. We are most pleased that the Committee's approach has been even-handed and factual.

At this time, we would like to note that my Government continues to engage in constructive consultations with the administering Power as it relates to Guam's quest for self-government and self-determination. Although the administering Power has discontinued formal interactions with this Committee, my Government wishes to reiterate its belief that a continuing dialogue between the administering Power and this Committee will indeed result in greater understanding and a more constructive process, and we are hopeful that new levels of understanding can be reached in the near future.

(Miss Pangelinan)

As I mentioned earlier with respect to the draft resolution on Guam, my Government is extremely grateful that important international standards which apply to Non-Self-Governing Territories have, for the first time, been specifically addressed in the draft resolution on Guam. The Subcommittee's inclusion of references to the process of Guam's political status endeavours and the factual recounting of our interaction with the administering Power in this process have been handled fairly. We look forward to continuing to update the Committee on the progress of our interaction with the administering Power as political status discussions with the new Administration get under way.

We would also like to commend the Subcommittee for its treatment of the issue of immigration in the Guam draft resolution, which we believe raises the United Nations resolution on Guam to a new standard. As members are aware, the issue of immigration and the assimilation of the Chamorro people in their homeland has long been a matter of concern in Guam. Indeed, in the 1987 plebiscite on Guam's proposed Commonwealth Act, the people of Guam spoke directly to this matter and called for a change in the administering Power's immigration programme. The Committee's sensitivity to this concern and our appreciation of its acknowledgement of it cannot be overstated. This issue is certainly of primary concern in our political status endeavour.

Indeed, as members are well aware, the Guam Commonwealth Act calls for the exercise of self-determination for Guam - the decision on Guam's decolonized status - to be made by the indigenous people of Guam, the Chamorros. As we have noted in the past, it is unfortunate that the "self" in Guam's self-determination and decolonization exercise has to be defined.

(Miss Pangelinan)

However, given the impact of immigration on Guam, and consistent with international convention, the decision about Guam's decolonization must be defined in such a way as to recognize the sovereignty of the indigenous people over their homeland. The Committee's inclusion of a reference to these political rights of the Chamorro people is an additional element which would enhance the resolution on the question of Guam.

(Miss Pangelinan)

At this time I am pleased to note that there has been some progress regarding the status of the return of land held by the administering Power in Guam. Although actual title to land has not been transferred, and although there remains considerable work to be done by the administering Power on Guam's request for a reform of the manner in which federally held lands are returned, separate areas of recent movement are indeed noteworthy, and I should like to update the Committee on these developments.

First, earlier this month the administering Power's independent Base Relocation and Closure Commission (BRACC) overruled the counsel of military forces and instead agreed with the leadership on Guam, led by Governor Joseph Ada, by voting to recommend that the Naval Air Station (NAS) Agana, which is called Tiyan on Guam, be closed. This action, if approved by the United States Congress, will turn needed facilities and an airfield over to the local Government for the planned expansion of Guam's air transportation industry. The administering Power's Chief Executive has already concurred with the Base Relocation and Closure Commission's recommendations, and action will be taken by the administering Power's legislative organ within the next two months. This development, which was initiated by Guam's leaders in 1989, will indeed give a boost to Guam's growing economic development.

Secondly, a Congressional hearing on a measure to return to the people of Guam 3,200 acres of property deemed excess by the military since 1977 is scheduled for the end of July. Although our Government has been actively pursuing the return of these excess lands for many years now, we have renewed faith that this most recent development will succeed. Our Government seeks the use of these properties for the benefit of the people of Guam, from whom they were taken over four decades ago.

(Miss Pangelinan)

Finally, a "land summit," involving the people of Guam and the several agencies of the administering Power that hold an interest in Guam property, is scheduled be held in Guam by early next year. Those involved will examine the complexities of the land issue on Guam, focusing on the historic injustices surrounding the taking of land in our homeland. This forum will present Guam with another opportunity to pursue vigorously the manner in which property is returned to the people of Guam and to renew Guam's call for a bilateral process of evaluating property holdings.

In this regard, I humbly suggest that the Committee evaluate the results of these land-related issues. While most of the developments are unlikely to affect the thrust of the draft resolution, the Government of the Territory of Guam would be pleased to inform the Committee of progress in the closure of NAS Agana - the return of Tiyan - before the meeting of the Fourth Committee later this year. Moreover, since the first preambular paragraph of the portion of the draft resolution on Guam specifically addresses the discussions on the closure of NAS Agana it may be fitting for the Committee to note the finality of the decision on NAS Agana as it makes its recommendations to the Fourth Committee.

One final point on the draft resolution on Guam which we would like to note concerns paragraph 1. The use of the word "should" in this paragraph suggests that Guam's exercise of self-determination may be mitigated by the military interests of the administering Power. To place any such condition on the act of self-determination would be in conflict with all international standards on self-determination and, more directly, with paragraphs 2 and 4 of Part A of the draft resolution, which reaffirm the inalienable right of the people of Non-Self-Governing Territories to self-determination. As we have noted in the past, "would" or "does" would perhaps be more appropriate.

(Miss Pangelinan)

Another issue arising out of part A of the draft resolution that we believe is noteworthy relates to paragraph 11 and Guam's recent experience with the position of the administering Power regarding our membership in the South Pacific Regional Environment Programme (SPREP). Paragraph 11 of part A of the draft resolution calls on the administering Power to

> "promote cooperation between the ... territorial Governments and regional institutions",

a process which is clearly important for Non-Self-Governing Territories to engage in on their emergence from a colonial status.

We are indeed disappointed to note today that a policy of the administering Power to exclude Guam from full membership in SPREP was recently engaged. While all of our Pacific brothers and sisters, as well as metropolitan Governments with Pacific interests, supported the principle of full and equal participation of Territories in this regional organization through nine hours and 13 votes during a crucial SPREP meeting in Apia, Western Samoa, last month, the administering Power's policy, unfortunately, was to deny its Non-Self-Governing Territories full participation.

This recent action by the administering Power is indeed saddening in the light of the fact that the practice of full participation by all members of SPREP was adopted by the entire membership, including the administering Power, 10 years ago and has resulted in peoples of the Pacific having a direct voice in questions of their environment. Today that voice has been muted. Subsequently our Government had no choice but to withdraw from consideration so as not to delay further the creation of this important regional environmental body. We certainly look forward to the success of this important organization, which will safeguard the environment that we in the

(Miss Pangelinan)

Pacific all share. However, we cannot accept participation on the only terms acceptable under the administering Power's existing policy. We believe that the position of the administering Power is too rigid, particularly since its only claim to participation in the organization is based on the status of its Pacific Territories.

We trust that our reporting on some of the existing conditions affecting Guam is of assistance to the Committee in considering the draft resolution. We are gratified to note the enhancement of the draft resolution over previous year's resolutions. Additionally, we are pleased to report progress with respect to possibilities which appear to be opening up for the return of Guam property held by the administering Power. However, we are disappointed to note an unnecessary rigidity that marks some elements of the administering Power's actions, and we believe that more enlightened approaches are necessary.

In closing, we should again like to express our sincere appreciation to you, Sir, and the other members of the Special Committee for your interest in, and attention to, the issues which relate to our emergence beyond colonial status. Dankolu na Si Yu'os Ma'ase - thank you very much.

The CHAIRMAN: I thank Miss Pangelinan for the information she has furnished to the Committee. If no member of the Committee wishes to make any comments or ask any questions relating to her statement, I shall invite her to withdraw.

Miss Pangelinan withdrew.

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (A/AC.109/1160 and L.1798)

The CHAIRMAN: In connection with this item, I wish to draw members' attention to the report prepared by the Secretary-General, contained in document A/AC.109/1160. Members also have before them in document A/AC.109/L.1798 a draft resolution on the question, prepared by the Chairman.

Since there are no comments at this time, the Committee will continue consideration of the item at its next meeting with a view to taking action on the draft resolution.

ORGANIZATION OF WORK

The CHAIRMAN: Before adjourning, so as to facilitate our work and as indicated in aide-mémoire 9/93 of 19 May 1993 concerning the provisional schedule of meetings, I wish to remind those members wishing to take part in the debates relating to foreign economic interests, military activities and arrangements by colonial Powers in the Territories and the implementation of the Declaration by the specialized agencies that they should contact the Secretariat upon the adjournment of this meeting.

In order to facilitate the work of the Committee and to enable the Rapporteur to prepare and submit by 2 August 1993 the Committee's report to the General Assembly at its forty-eighth session, every effort should be made to conclude most of the items on the agenda within the next two weeks. However, because some of the items are also considered in other forums, for example, the Economic and Social Council and in regional organizations, it would be advisable for the Committee to wait for the outcome of those discussions before taking decisions or action on those items. This would imply that the Committee may have to hold one or two meetings in the latter part of August to take action on those items. In addition, we shall of course

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adjust our programme as need be, depending on the availability of the necessary documentation.

In order to make the best use of the servicing resources allocated to the Committee for the session, I wish to appeal to members to make every effort to be on time at our meetings and to be prepared to speak on the day that they are on the list to speak.

The programme for the next two weeks is relatively heavy and includes the hearing of petitioners on a number of Territories. The Committee will also have to take action on a number of draft decisions during the same period. I would therefore appeal to all members to be prepared, so that we can make maximum use of the time and resources available to us.

In respect of the draft decisions relating to foreign economic interests, military activities and arrangements, and the implementation of the Declaration by the specialized agencies, I wish to recall that at our informal drafting group of the open-ended Working Group suggestions were made that, instead of the Bureau's being charged with drafting the texts, all members should participate on an informal basis. As you are aware, at the 1414th meeting, on 28 May, in order to facilitate the drafting of those resolutions and decisions, I urged members to consult with their regional groups. It is my understanding that members have been consulting in that regard, and I hope that the Committee will finalize those drafts without delay. I would therefore suggest that members wishing to participate in the informal drafting group should be prepared to do so as soon as possible, and should contact the Secretariat.

The next meeting of the Committee will be held tomorrow morning at 10 o'clock.

The meeting rose at 4.05 p.m.